

Appl. No. 10/664,560
Docket No. 9364
Reply dated May 4, 2009
Reply to Office Action mailed on March 4, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 10-12, 14, and 15 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960, 272 and 3,912,571

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Nos. 3,960,272 and 3,912,571 both to Hartbauer, et al. ("Hartbauer"). The Examiner asserts that the location of the adhesive in Hartbauer can be shifted to a slightly different location which does not modify the operation of the consumer accessible tab.

Applicants respectfully disagree with the Examiner's conclusions regarding Hartbauer. Applicants submit that the location of the adhesive in Hartbauer is important to the rolled product of Hartbauer. Applicants submit that Hartbauer teaches that its adhesive is applied at a predetermined location. Hartbauer, Abstract, Col. 2, lines 53-60, Col. 8, lines 40-47, Claims. In light of Hartbauer's numerous teachings that its adhesive is applied to a predetermined location, Applicants submit that Hartbauer fails to teach and in fact clearly teaches away from the location of its adhesive being arbitrary. Accordingly, Applicants submit that the Examiner's assertion that one could merely shift the adhesive on Hartbauer's product to another spot is clearly not supported by the teachings of Hartbauer. Therefore, Applicants submit that Claims 1-2, 10-12, and 14-15 are not rendered obvious over Hartbauer. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960, 272 and 3,912,571 as applied above, and further in view of U.S. Patent No. 6,924,042

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hartbauer, discussed above, and further in view of U.S. Patent No. 6,924,042 to Von Paleske ("Von Paleske"). The Examiner asserts that Von Paleske teaches that it is known in the art to form multi-ply products wherein at least two of the plies are bonded together.

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Applicants respectfully submit that Von Paleske fails to overcome the deficiencies in Hartbauer's teachings. Accordingly, Applicants submit that Claims 1-2, 10-12, and 14-15 are not rendered obvious over Hartbauer in view of Von Paleske for the same reasons that Claims 1-2, 10-12, and 14-15 are not rendered obvious over Hartbauer. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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